

**General Docket
Court of Appeals, 2nd Circuit**

Court of Appeals Docket #: 18-2819

Docketed: 09/25/2018
Termed: 02/05/2019

Nature of Suit: 2895 STATUTES-FOIA 1974

Whitaker v. Department of Commerce

Appeal From: DISTRICT OF VERMONT (RUTLAND)

Fee Status: Paid

Case Type Information:

- 1) Civil
- 2) United States
- 3) -

Originating Court Information:

District: 0210-5 : [17-cv-192](#)

Trial Judge: Geoffrey W. Crawford, U.S. District Judge

Date Filed: 10/06/2017

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
07/30/2018	07/30/2018	09/24/2018	09/25/2018

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

Stephen Whitaker, all other similarly situated individuals
Plaintiff - Appellant

Kel McClanahan, Esq., -
Direct: 301-728-5908
[COR NTC Retained]
National Security Counselors
4702 Levada Terrace
Rockville, MD 20853

David Gram, all other similarly situated individuals
Plaintiff - Appellant

Kel McClanahan, Esq., -
Direct: 301-728-5908
[COR NTC Retained]
(see above)

United States Department of Commerce
Defendant - Appellee

Nikolas P. Kerest, Esq., Assistant U.S. Attorney
Direct: 802-951-6725
[COR NTC -]
United States Attorney's Office for the District of Vermont
3rd Floor
11 Elmwood Avenue
P.O. Box 570
Burlington, VT 05401

Laura Myron, Esq., Trial Attorney
Direct: 202-514-4819
[COR NTC US Attorney]
United States Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Avenue, NW
Washington, DC 20530

Gregory L. Waples, Assistant United States Attorney
Direct: 802-951-6725
[COR NTC US Attorney]
United States Attorney's Office for the District of Vermont
3rd Floor
11 Elmwood Avenue
P.O. Box 570
Burlington, VT 05401

Stephen Whitaker, all other similarly situated individuals, David Gram, all other similarly situated individuals,

Plaintiffs - Appellants,

v.

United States Department of Commerce,

Defendant - Appellee.

09/25/2018	<u>1</u> 10 pg, 242.54 KB	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellants David Gram and Stephen Whitaker, FILED. [2397263] [18-2819] [Entered: 09/26/2018 11:09 AM]
09/25/2018	<u>2</u> 11 pg, 156.45 KB	DISTRICT COURT DECISION, dated 07/27/2018, RECEIVED.[2397273] [18-2819] [Entered: 09/26/2018 11:17 AM]
09/25/2018	<u>3</u> 2 pg, 207.32 KB	DISTRICT COURT JUDGMENT, dated 07/30/2018, RECEIVED.[2397276] [18-2819] [Entered: 09/26/2018 11:18 AM]
09/25/2018	6	PAYMENT OF DOCKETING FEE, on behalf of Appellants David Gram and Stephen Whitaker, district court receipt # 4682019568, FILED.[2398135] [18-2819] [Entered: 09/27/2018 10:12 AM]
09/26/2018	<u>4</u> 1 pg, 63.81 KB	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States Department of Commerce, FILED. Service date 09/26/2018 by CM/ECF. [2397547] [18-2819] [Entered: 09/26/2018 01:34 PM]
09/26/2018	5	ATTORNEY, Nikolas P. Kerest for United States Department of Commerce, in case 18-2819, <u>4</u> , ADDED.[2397643] [18-2819] [Entered: 09/26/2018 02:32 PM]
10/02/2018	<u>7</u> 9 pg, 205.18 KB	ELECTRONIC INDEX, in lieu of record, FILED.[2401638] [18-2819] [Entered: 10/02/2018 02:17 PM]
10/15/2018	8	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States Department of Commerce, FILED. Service date 10/15/2018 by CM/ECF. [2410456] [18-2819] [Entered: 10/15/2018 04:00 PM]
10/15/2018	<u>9</u> 2 pg, 17.53 KB	DEFECTIVE DOCUMENT, NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, [8], on behalf of Appellee United States Department of Commerce, FILED.[2410643] [18-2819] [Entered: 10/15/2018 05:21 PM]
10/23/2018	10	ATTORNEY, Kel McClanahan, <u>1</u> , in place of attorney Robert Appel, SUBSTITUTED.[2416678] [18-2819] [Entered: 10/23/2018 03:48 PM]
10/24/2018	<u>11</u> 1 pg, 37.51 KB	NOTICE OF APPEARANCE AS SUBSTITUTE COUNSEL, on behalf of Appellee United States Department of Commerce, FILED. Service date 10/24/2018 by CM/ECF. [2417303] [18-2819] [Entered: 10/24/2018 12:16 PM]
10/24/2018	<u>12</u> 1 pg, 105.33 KB	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellant David Gram and Stephen Whitaker, FILED. Service date 10/24/2018 by CM/ECF.[2417400] [18-2819] [Entered: 10/24/2018 12:47 PM]
10/24/2018	<u>13</u> 3 pg, 158 KB	MOTION, to extend time to file C & D, on behalf of Appellant David Gram and Stephen Whitaker, FILED. Service date 10/24/2018 by CM/ECF. [2417721] [18-2819] [Entered: 10/24/2018 04:05 PM]
10/26/2018	14	ATTORNEY, Laura Myron, <u>11</u> , in place of attorney Nikolas P. Kerest, SUBSTITUTED.[2419315] [18-2819] [Entered: 10/26/2018 11:09 AM]
10/30/2018	<u>18</u> 1 pg, 60.46 KB	MOTION ORDER, granting motion for extension of time to file Forms C and D until 11/02/2018, by CFD, FILED. [2421224][18] [18-2819] [Entered: 10/30/2018 09:27 AM]
11/02/	<u>19</u>	FORM C, on behalf of Appellant David Gram and Stephen Whitaker, FILED. Service date

2018	40 pg, 732.05 KB	11/02/2018 by CM/ECF.[2425464] [18-2819] [Entered: 11/02/2018 09:20 PM]
11/02/2018	20 1 pg, 139.79 KB	FORM D, on behalf of Appellant David Gram and Stephen Whitaker, FILED. Service date 11/02/2018 by CM/ECF.[2425465] [18-2819] [Entered: 11/02/2018 09:21 PM]
11/08/2018	29 1 pg, 6.59 KB	NEW CASE MANAGER, Elizabeth Munoz, ASSIGNED.[2430110] [18-2819] [Entered: 11/08/2018 05:38 PM]
11/18/2018	31 1 pg, 63.06 KB	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States Department of Commerce, FILED. Service date 11/18/2018 by CM/ECF. [2436463] [18-2819] [Entered: 11/18/2018 08:31 PM]
11/20/2018	32	ATTORNEY, Nikolas P. Kerest for United States Department of Commerce, in case 18-2819 , [31] , ADDED.[2437717] [18-2819] [Entered: 11/20/2018 10:08 AM]
11/20/2018	33 1 pg, 35.6 KB	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant David Gram and Stephen Whitaker, informing Court of proposed due date 02/01/2019, RECEIVED. Service date 11/20/2018 by CM/ECF.[2439049] [18-2819] [Entered: 11/20/2018 08:54 PM]
11/26/2018	35 1 pg, 37.14 KB	SO-ORDERED SCHEDULING NOTIFICATION, setting Appellant David Gram and Stephen Whitaker Brief due date as 02/01/2019. Joint Appendix due date as 02/01/2019, FILED. [2440834] [18-2819] [Entered: 11/26/2018 10:40 AM]
01/30/2019	36 3 pg, 143.28 KB	MOTION, to extend time, on behalf of Appellant David Gram and Stephen Whitaker, FILED. Service date 01/30/2019 by CM/ECF. [2485996] [18-2819] [Entered: 01/30/2019 05:30 PM]
02/05/2019	40	ORDER, [35] appeal dismissed for Appellant David Gram and Stephen Whitaker failure to file brief and appendix, EFFECTIVE.[2489172] [18-2819] [Entered: 02/05/2019 09:41 AM]
02/05/2019	43 1 pg, 60.38 KB	MOTION ORDER, denying as moot motion to extend time [36] filed by Appellant Stephen Whitaker and David Gram, FILED. [2489368][43] [18-2819] [Entered: 02/05/2019 10:51 AM]
